

Filed for intro on 04/10/2002

HOUSE JOINT RESOLUTION 834  
By Buck

A RESOLUTION directing a study relative to the electronic recording of custodial interrogations of criminal defendants.

WHEREAS, the Tennessee Supreme Court stated in State v. Godsey, 60 S.W.3d 729 (Tenn. 2001), that it would be an appropriate determination of public policy for the legislature to consider whether the electronic recording of custodial interrogations should be a required law enforcement practice; and

WHEREAS, the Tennessee Law Enforcement Advisory Council is required by statute "to monitor and evaluate the status of technological advancements and related issues to law enforcement in Tennessee"; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Tennessee Law Enforcement Advisory Council, established by Tennessee Code Annotated, Title 38, Chapter 13, Part 1, is hereby directed to study and

HJR0834

01329716

evaluate all issues relevant to the electronic recording of custodial interrogations of defendants in criminal cases.

BE IT FURTHER RESOLVED, That in conducting research, making evaluations and formulating its recommendations, the Tennessee Law Enforcement Advisory Council shall include, but not be limited to, the following:

(1) Current practices and procedures of law enforcement agencies in Tennessee concerning the recording of interrogations;

(2) An inventory of equipment currently available to every law enforcement agency in the state for the recording of interrogations and the cost of and funding source for such equipment;

(3) Recommendation of a standard for recording custodial interrogations in Tennessee to include cataloging and storage of the recording medium; and

(4) Estimated additional training and equipment improvements required to satisfy such recommended standard and a detailed cost estimate for the acquisition of such equipment.

BE IT FURTHER RESOLVED, That the representative from the Tennessee Bureau of Investigation shall convene the Tennessee Law Enforcement Advisory Council within 90 days of the adjournment sine die of the 102nd General Assembly to study and evaluate issues relevant to the electronic recording of custodial interrogations of defendants in criminal cases. After convening for such purpose, the Council shall select a Chair from among its membership.

BE IT FURTHER RESOLVED, That the Tennessee Law Enforcement Advisory Council shall seek the advice, counsel and input of advisory representatives, who shall serve at their own expense, from the following organizations and entities during the course of its study: the Tennessee District Public Defenders Conference, the Tennessee Fraternal Order of Police, the Tennessee County Services Association, the Tennessee Municipal League, the Administrative Office of the Courts, the Tennessee Association of Criminal Defense Lawyers, and a criminal court clerk recommended by the Tennessee State Court Clerks' Conference established by Tennessee Code Annotated, Title 18, Chapter 1, Part 5.

BE IT FURTHER RESOLVED, That the Tennessee Law Enforcement Advisory Council shall report its interim findings to the House and Senate Judiciary Committees at the direction of the respective chairs during the out-of-session meeting of such committees to be held in the Fall of 2002.

BE IT FURTHER RESOLVED, That the Tennessee Law Enforcement Advisory Council shall submit the final report of its findings and recommendations, including any proposed legislation, to the House and Senate Judiciary Committees no later than the second legislative day of the First Regular Session of the 103rd General Assembly to be convened in January 2003.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to each member of the Tennessee Law Enforcement Council and to the Tennessee District Public Defenders Conference, the Tennessee Fraternal Order of Police, the Tennessee County Services Association, the Tennessee Municipal League, the Administrative Office of the Courts, the Tennessee Association of Criminal Defense Lawyers, and the Tennessee State Court Clerks' Conference.